

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

INTERVIEW SUMMARY

Applicant's representative (Chris Maiorana, Reg. No. 42,829), Examiner Fueling and Examiner Morgan held a telephone interview on August 19, 2010. Proposed amendments to the claims were discussed. An agreement was reached that the proposed amendments, if filed along with the next response, would overcome the rejections of record. Examiner Fueling agreed that a new search would be performed. It was also agreed that if such amendments were filed as a Supplemental Amendment, that the next response by the Patent Office would be either a Notice of Allowance or a non-final Office Action. The present amendment incorporates the proposals discussed.

DOUBLE PATENTING

The rejection of claims 1-21, 23, 25, 26, 28-66, 28-70 and 72-87 under the judicially created doctrine of obviousness-type double patenting has been obviated by the attached terminal disclaimer and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-13, 15, 16, 21, 22, 38-42, 44-56, 58, 59, 64-66, 81-85, and 87 under 35 U.S.C. §103 as being unpatentable over Fu et al. (U.S. Patent No. 4,803,625; hereinafter Fu), in view of Kirk et al. (U.S. Patent No. 5,390,238; hereinafter Kirk) has been obviated by amendment and should be withdrawn.

The rejection of claims 14 and 57 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Fujimoto (U.S. Patent No. 5,339,821; hereinafter Fujimoto) has been obviated by amendment and should be withdrawn.

The rejection of claims 17-19, and 60-62 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Beckers (U.S. Patent No. 5,019,974; hereinafter Beckers) has been obviated by amendment and should be withdrawn.

The rejection of claims 20, 43, 63, and 86 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Official Notice has been obviated in part by amendment and is respectfully traversed in part and should be withdrawn.

The rejection of claims 23, 25, 26, 28-32, 68-70 and 72-75 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Lee (U.S. Patent No. 4,838,275; hereinafter Lee) has been obviated by amendment and should be withdrawn.

The rejection of claims 33-37, and 76-80 under 35 U.S.C. §103 as being unpatentable over Fu, in view of Kirk, in further view of Dessertine (U.S. Patent No. 5,016,172; hereinafter Dessertine) has been obviated by amendment and should be withdrawn.

Independent claims 1, 44 and 87 have been amended in accordance with the interview summarized on page 21.

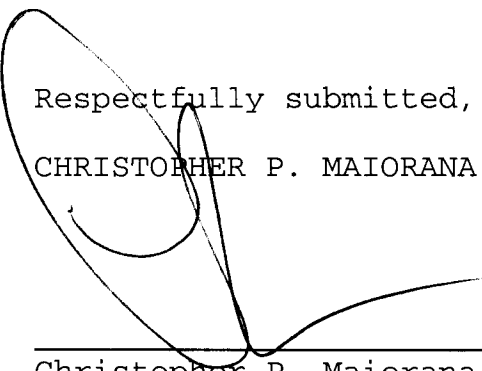
Claims 2-37, 39-43, 45-80, and 82-86, depend, directly or indirectly, from the independent claims which are now believed to be allowable.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 50-0541.



Respectfully submitted,
CHRISTOPHER P. MAIORANA, P.C.

Christopher P. Maiorana
Registration No. 42,829
586-498-0670

Dated: August 27, 2010

c/o Health Hero Network
Docket No.: 03-0910 / 7553.00110